

1983 Form

In the United States District Court  
For the Northern District of Alabama

FILED

2011 OCT 12 PM 12:03  
U.S. DISTRICT COURT  
N.D. OF ALABAMAJames Willis Bonds

CV-11-PT-3615-M

(Enter above the full name(s) of the plaintiff(s) in this action.)

v

c/o Donald Lukma, c/o ErinMerchant, c/o Matthew Dixonand C. Smith (John Doe)

(Enter above full name(s) of the defendant(s) in this action)

## I. Previous lawsuits

A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes  No

B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

## 1. Parties to this previous lawsuit

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

## 2. Court (if Federal Court, name the district; if State Court, name the county)

\_\_\_\_\_

## 3. Docket Number \_\_\_\_\_

## 4. Name of judge to whom case was assigned \_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

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6. Approximate date of filing lawsuit \_\_\_\_\_

7. Approximate date of disposition \_\_\_\_\_

II. Place of present confinement \_\_\_\_\_

A. Is there a prisoner grievance procedure in this institution?

Yes  No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes  No

C. If your answer is YES:

1. What steps did you take? I notified all c.captains, Peters, Malone, and Sanders. As well as Warden Davenport and Headley. (Also wrote com m. R. T. Thomas.)

2. What was the result? NO RESPONSE

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D. If your answer is NO, explain why not?

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III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) James Willis Banks

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Address 1000 St. Clair Road, Springville, AL 35146

In Item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item C for the names, positions, and places of employment of any additional defendants.

B. Defendant C/O Donald Lukina

is employed as Corrections Officer

at St. Clair Corr. Facility

C. Additional Defendants C/O ERIN Merchant, C/O Matthew Dixon,  
and C/O C. Smith (Inmate) all employed as Corrections  
Officers at St. Clair Corr. Facility.

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

on Sept. 3, 2011 at or around 7:00 pm C/O's E. Merchant, M. Dixon, and C. Smith (Inmate) were doing a security check of P-2 Block. During said security check these 3 C/O's decided to shake my cell down. P2-41 cell. They came in said, "Security check" and asked, "Where the phone?" They strip me naked and made me squat and cough. No phone. They searched the clothes I had on. No phone. Then they began to search the cell. They found the phone in a pair of pants laying on the ground. Then they surrounded me, cornered me in the back of the cell and asked, "why you take us through all this bullshit, huh?" The whole time I was asking to be taken to see the shift supervisor or one of them should call for a supervisor over the radio. Then C/O Merchant swung and tried to hit me. I pushed him off and then I was sprayed

with "Saber Red" mace and baton, assaulted with excessive force while I was naked and not resisting or fighting back. They handcuffed me and sat me on the bed. The situation was relayed contained over the radio. CJO's M. Dixon and C. Smith (both <sup>doe</sup>) were at the entry to the cell. CJO Merchant was standing over me cursing me out. CJO Lutjens walks past the 2 CJO's at the entry to the door yells out, "MOTHER FCKER" and strikes me in

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I'd like for the Hon. Court to grant me \$78,000<sup>00</sup> for the damage to my left eye, which caused me temporarily blindness in that eye (still can't see out of it now but the Doctors at The Lions Eye Clinic (WLB) said my vision will come back). A total of \$19,500<sup>00</sup> from each CJO involved in the assault/heating and use of excessive force. That's \$78,000<sup>00</sup> grand total. I am also pursuing charges of Assault and Battery against these CJO's.

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10/10/11  
(date)

John

Signature(s)

the left eye directly (fist or baton?) Knocking me clear over and then  
10's Merchant and Mr. Diken joined in with him and beat me unmercifully  
while I was handcuffed behind my back and made, "Saber Red," in my eyes  
and face while <sup>(John Doe)</sup> Doc. Smith <sup>(John Doe)</sup> watched the door, when Inmates started crowding  
around I heard <sup>(John Doe)</sup> Doc. Smith say, "Stop. The inmates are crowding around!" I was  
taken to the infirmary and then put in a cell/ segregation, on Sept. 4, 2011 I had  
to be taken back to the infirmary that morning about 8:30am because my left eye  
was bleeding through the bandages. Nurse Stone called Dr. Tolley because it was so  
bad... and I was sent to Cooper Green Mercy Hospital in B'ham. I had to be sent out  
the backgate to the free world Hospital. Cooper Green Mercy Hospital did a CT scan  
that came back with an Orbital Fracture and a broke bone in my left eye connect-  
ed to my left nostril that causes my nose to bleed. Cooper Green Mercy Hospital then  
sent me to the Callahan Eye Foundation Clinic (UAB). There I was told not to blow  
my nose because if I did I could possibly blow my eye out due to the broken  
bone in my eye connected to my left nostril. And an appointment was rescheduled  
with The Lions Eye Clinic (UAB) because the swelling was so bad and my left  
eye wouldn't open. I went back to the Lions Eye Clinic (UAB) on Sept. 23, 2011.  
I have to go back again to see an expert/specialist. (Haven't not been as of  
yet.)

  
James Bond's prose.